

IFWimage



Docket No.: 0690-0131PUS1  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Markus GEWEHR et al.

Application No.: 10/581,743 ✓

Confirmation No.: N/A

Filed: June 6, 2006

Art Unit: N/A

For: 3-TRIFLUOROMETHYL PICOLINIC ACID  
ANILIDES, AND USE THEREOF AS  
FUNGICIDES

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT**  
**(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL**  
**REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE**  
**1.114 RCE APPLICATION)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ a. Copies of cited U.S. patents and patent application publications are not included.  
Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☐ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☐ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☒ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: English language abstracts are provided for all references.

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration. US 5,589,493, US 5,556,988, and US 5,480,897 correspond to DE 4204768 and DE 19924204768.

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.  
(This section is not to be used with RCE's.)

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. **Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or**

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)


- ☐ The required fee is listed on the attached Fee Transmittal.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

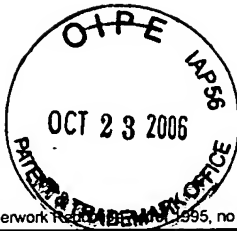
Dated: October 23, 2006

Respectfully submitted,

By   
Andrew D. Meikle  
Registration No.: 32,868  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachment(s):

- ☒ PTO-SB08  
☒ Documents  
☐ Foreign Search Report  
☐ Fee  
☐ Other:



PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project (09-06), no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/581,743	
			Filing Date	June 6, 2006	
			First Named Inventor	Markus GEWEHR	
			Art Unit	N/A	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	2	Attorney Docket Number	0690-0131PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA*	US-5,330,995-A	07-19-1994	EICHEN et al.	
	AB*	US-2005/0119347-A1	06-02-2005	Rieck et al.	
	AC*	US-2005/0124815-A1	06-09-2005	Elbe et al.	
	AD*	US-2005/0143428-A1	06-30-2005	Dunkel et al.	
	AE*	US-2004/0204470-A1	10-14-2004	Elbe et al.	
	AF*	US-6,534,532-B1	03-18-2003	ELBE et al.	
	AG*	US-2005/0119130-A1	06-02-2005	Walter	
	AH*	US-2004/0138265-A1	07-15-2004	Walter et al.	
	AI*	US-5,914,344-A	06-22-1999	Yoshikawa et al.	
	AJ*	US-5,998,450-A	12-07-1999	Eicken et al.	
	AK*	US-5,438,070-A	08-01-1995	Eicken et al.	
	AL*	US-4,887,441-A	12-19-1989	Ling	
	AM*	US-6,992,098-B2	01-31-2006	Elbe et al.	
	AN*	US-6,699,818-B1	03-02-2004	Walter et al.	
	AO*	US-5,589,493-A	12-31-1996	Eicken et al.	
	AP*	US-5,480,897-A	01-02-1996	Eicken et al.	
	AQ*	US-5,556,988-A	09-17-1996	Eicken et al.	
	AR*	US-2004/0039043-A1	02-26-2004	Elbe et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
	BA	WO-02/096882-A1	12-05-2002		
	BB	EP-1 400 516-A	03-24-2004		
	BC	EP-0 545 099-A	06-09-1993		
	BD	WO-03/074491-A	09-12-2003		
	BE	JP-58-096069-A	06-07-1983	Ishihara Sangyo Kaisha	
	BF	JP-1313402-A	12-18-1989	Mitsubishi Chem Ind	
	BG	JP-7145156-A	06-06-1995	Mitsui Toatsu Chemicals	
	BH	DE-4231518-A	03-24-1994	Basf Ag	
	BI	JP-2001-302605-A	10-31-2001		
	BJ	JP-8092223-A	02-19-2002		
	BK	WO-93/11117-A1	06-10-1993		
	BL	WO-02/064562-A1	08-22-2002		
	BM	EP-1 110 454-A2	06-27-2001		
	BN	EP-0 846 416-A1	11-28-1997		
	BO	EP-0 371 950-A2	06-06-1990		
	BP	EP-1 110 956-A1	06-27-2001		
	BQ	WO-01/42223-A	06-14-2001		
	BR	WO-00/09482-A1	02-24-2000		
	BS	WO-97/08148-A1	03-06-1997		
	BT	EP-0 591 699-A1	04-13-1994		

Examiner Signature	Date Considered
--------------------	-----------------

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/581,743	
			Filing Date	June 6, 2006	
			First Named Inventor	Markus GEWEHR	
			Art Unit	N/A	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	2	Attorney Docket Number	0690-0131PUS1

	BU	EP-0 589 301-A	03-30-1994			
	BV	WO-98/03500-A	01-29-1998			
	BW	EP-0 824 099-A1	02-18-1998			
	BX	WO-01/49664-A1	07-12-2001			
	BY	WO-02/08195-A	01-31-2002			
	BZ	WO-02/08197-A1	01-31-2002			
	BA1	WO-02/38542-A1	05-16-2002			
	BB1	WO-02/059086-A1	08-01-2002			
	BC1	WO-03/010149-A1	02-06-2003			
	BD1	WO-03/066609-A1	08-14-2003			
	BE1	WO-86/02641-A1	05-09-1986			
	BF1	WO-03/069995-A1	08-28-2003			
	BG1	WO-03/066610-A1	08-14-2003			
	BH1	WO-03/070705-A1	08-28-2003			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--